

CALEDONIA CHARTER TOWNSHIP BURNING ORDINANCE

TOWNSHIP ORDINANCE NO. 95 – 3

AN ORDINANCE to protect the health safety and welfare of the people of the Charter Township of Caledonia by regulating the burning and use of fires and to provide penalties for the violation of any of the provisions of this Ordinance.

Open burning is regulated under the Air Pollution Act (Act 348 of the Public Acts of 1965), the Forest Fire Act (Act 329, 1969), the Solid Waste Management Act (Act 641, 1978, Act 267, 1990) and the General Township Act MCL 41.181.

Section 1 DEFINITIONS

- A. Burning Permit: A Permission to burn, issued verbally or by written permit by the appropriate fire department chief or designated personnel.
- B. Fire Department: Caledonia Fire Department, which respond to all areas of the Township and Village of Caledonia.
- C. Flammable waste material: Any waste or discarded substance that will burn or smolder, including but not limited to refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble, leaves, fallow land, slag crops, garbage or crop residue.
- D. Open Burning: Open flame or smoldering fire, emitting smoke and/or offensive odor.
- E. Person: An individual, corporation, partnership, association, municipality or other public body or legal entity, or any officer, employee or agent of the foregoing.

Section 2 PROHIBITED BURNING

- A. There will be no burning permitted in the Township without first receiving a burning permit from the Fire Chief or designated personnel accordance with Section 4.
- B. In no event whatsoever, shall any person burn any garbage, plastic, Styrofoam, or any other synthetic material or other hazardous materials, nor shall any rubber or rubber based material such as, but not limited to, rubber tires, be burned in the Township regardless of the method used of burning.

Section 3 PERMITTED BURNING

Burning under the following conditions is permitted anywhere in the township without a permit.

- A. The burning of wood, charcoal, coke or other acceptable conventional fuel for the preparation of food in any form, in an approved container or utensil will be permitted when done in accordance with accepted safety standards.
- B. The use of approved gaseous or portable heaters commonly employed in conjunction with building and construction operations will be permitted when done in accordance with accepted safety standards.
- C. Roofers, plumbers, tanners and other mechanics pursuing a business requiring the use of fire, or for the purpose of boiling tar, pitch or oil used in the course of an appropriate business or trade will be permitted when done in accordance with accepted safety standards.

Section 4 BURNING PERMITTED WITH BURNING PERMIT ONLY

- A. The burning of flammable waste material is permitted with a burning permit issued at the discretion of the fire chief or designated personnel. No burning shall occur prior to the issuance of the required permit. The issuance of such a permit will be determined by the proximity of the fire to any structure, weather conditions, the duration of the fire, and other factors the fire department may deem necessary. All such burning shall be done under the constant supervision of a person 18 years or older.
- B. A burning permit will also be required for any type of fire associated with any recreational activity including, but not limited to, open campfires, unless such fires are built in a metal stone or masonry container.

Section 5 EXCEPTIONS

The following are exceptions from the rules of this ordinance prohibiting open burning:

- A. County parks in which fires are permitted by the rules governing said parks, and,
- B. Fires authorized for the training of firefighters or other controlled burnings approved by the appropriate fire chief.

Section 6 PENALTIES

- A. Any person convicted of a violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100.00) or shall be imprisoned in the County Jail for not more than ninety (90) days, or both, such fine and imprisonment being within the discretion of the Court, together with the costs of prosecution.
- B. In the event that a Fire Department or Fire Chief is called out on a burning ordinance violation, all expenses incurred by the response call shall be paid by the owner or owners of such divided lands. The Township shall have a lien upon such subdivided lands, lots or parcels for such expense. Charges will be assessed at no less than One Hundred Fifty Dollars (\$150.00), per hour, per fire vehicle, and Thirty-five Dollars (\$35.00), per hour, per fire fighter.

Section 7 ENFORCEMENT

The Fire Chief or designated personnel of the Fire Department or the officers of the Kent County Sheriff's Department or any authorized law enforcement officer may cause complaint to be made for the violation of the provisions of this Ordinance.

Section 8 CONFLICT WITH OTHER ORDINANCE

In the event of conflict between any provisions of this Ordinance with those of any other Ordinance of the Charter Township of Caledonia, the provisions hereof shall be controlling, and any such conflicting provisions of any other Ordinance of the Township of Caledonia are hereby repealed. Any Ordinance of the Village of Caledonia will supersede this Ordinance.

Section 9 EFFECTIVE DATE

This Ordinance shall take effect after the second publication of this Ordinance.

First Reading: 2-15-95

Second Reading: 2-23-95